



The Long and Winding Road
to the Implementation of CM/ECF
and BAPCPA 2005

Today's *Magical Mystery Tour*

- CM/ECF

- Implementation Plan
- CM/ECF Features

- Bankruptcy Reform Act

- New forms
- New filing options
- Changing fees

We Can Work It Out

- Sunday, October 16 is the last day to file in ERS
- ERS filing and search functions shut down at 12:01 a.m., Monday, October 17
- CM/ECF go live information will be posted on the web – Thursday, October 27
- Emergency filing procedures

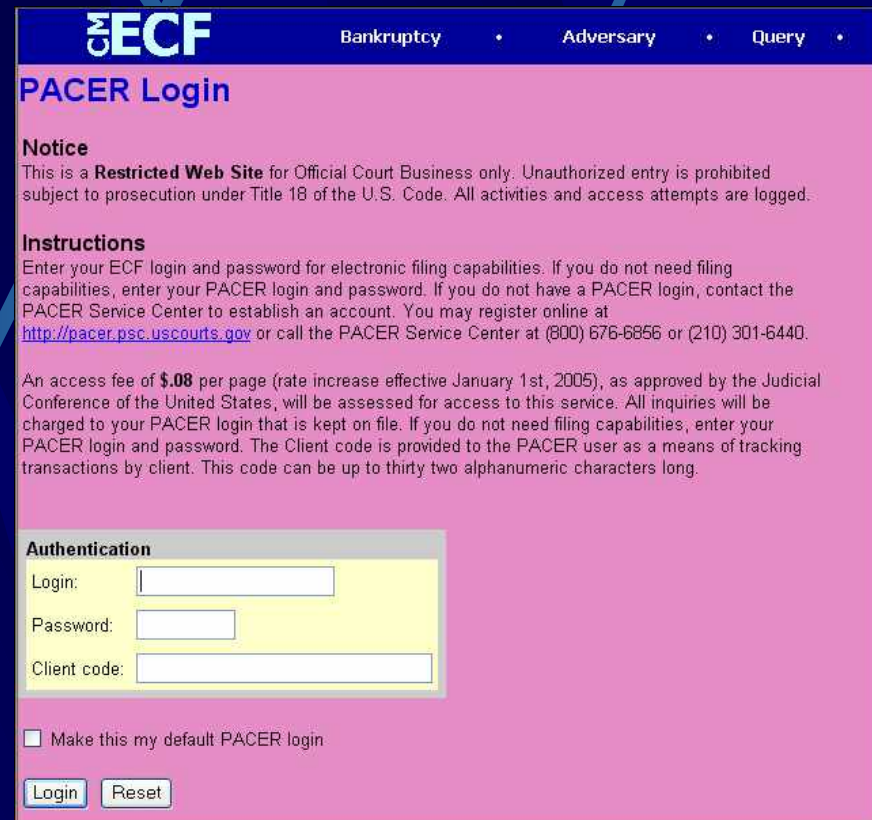
Tickets To Ride

- PACER Log in
- CM/ECF Log in
- Credit Card / pay.gov

Do your test filings

PACER

- Get your PACER login
- pacer.psc.uscourts.gov
- Separate login from CM
- Panel trustees need two
- Not needed for filing documents
- Needed for viewing dockets & documents
- Administered by Administrative Office



The screenshot shows the PACER Login page. At the top, there is a navigation bar with the ECF logo and links for Bankruptcy, Adversary, and Query. The main heading is "PACER Login". Below this, there is a "Notice" section stating that the site is restricted for official court business only. The "Instructions" section provides details on how to log in, including the requirement for an ECF login and password for electronic filing, and the option to use a PACER login and password. It also mentions the access fee of \$0.08 per page. The "Authentication" section contains three input fields: Login, Password, and Client code. There is a checkbox for "Make this my default PACER login" and two buttons: "Login" and "Reset".

ECF Bankruptcy • Adversary • Query •

PACER Login

Notice
This is a **Restricted Web Site** for Official Court Business only. Unauthorized entry is prohibited subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

Instructions
Enter your ECF login and password for electronic filing capabilities. If you do not need filing capabilities, enter your PACER login and password. If you do not have a PACER login, contact the PACER Service Center to establish an account. You may register online at <http://pacer.psc.uscourts.gov> or call the PACER Service Center at (800) 676-6856 or (210) 301-6440.

An access fee of **\$0.08** per page (rate increase effective January 1st, 2005), as approved by the Judicial Conference of the United States, will be assessed for access to this service. All inquiries will be charged to your PACER login that is kept on file. If you do not need filing capabilities, enter your PACER login and password. The Client code is provided to the PACER user as a means of tracking transactions by client. This code can be up to thirty two alphanumeric characters long.

Authentication

Login:

Password:

Client code:

☐ Make this my default PACER login

CM/ECF LOG IN

- Select the *CM/ECF certification, training & test filing* button on the home page
- At prompt screen, enter ERS username and ERS password
- Options include:
 - *Get CM/ECF Password*
 - *Sign up for Training Classes*
 - *CM/ECF Test Filing*
 - *Log into CM/ECF*
- Submit two test filings for certification to file in CM/ECF

[CM/ECF certification, training, and test filings](#)

A screenshot of a web browser window titled "Connect to www.w2.mnb.uscourts.gov". The window has a blue header bar with a key icon. Below the header, the text "Zope" is displayed. The main content area contains a "User name:" label followed by a dropdown menu, a "Password:" label followed by a text input field, and a checkbox labeled "Remember my password". At the bottom right, there are "OK" and "Cancel" buttons.

Connect to www.w2.mnb.uscourts.gov

Zope

User name:

Password:

☐ Remember my password

OK Cancel

I Want To Hold Your Hand

● Online Training

—CM/ECF—

CBTs

ECF 101

Pacer

News and Information

Training documents

● Hands on Training

- Two hour session
 - An hour-long overview
 - An hour-to practice test filings
- Scheduling classes until October 7
 - One in Fergus Falls
 - One in Duluth

pay.gov

- Developed by the U.S. Department of the Treasury
- Pay.gov enables attorneys to pay filing fees by internet credit card payment



Anytime At All

Three ways to open cases

- Using bankruptcy software – One button
- Open a Voluntary Case – Data Entry
- Case Upload – Similar to ERS

The screenshot shows the ECF (Electronic Case Filing) system interface. At the top, there is a navigation bar with the ECF logo and three tabs: "Bankruptcy", "Adversary", and "Query". Below the navigation bar, the main heading is "Open New Bankruptcy Case". The form contains four rows of input fields, each with a label, an example, and a "Browse..." button. The labels and examples are as follows:

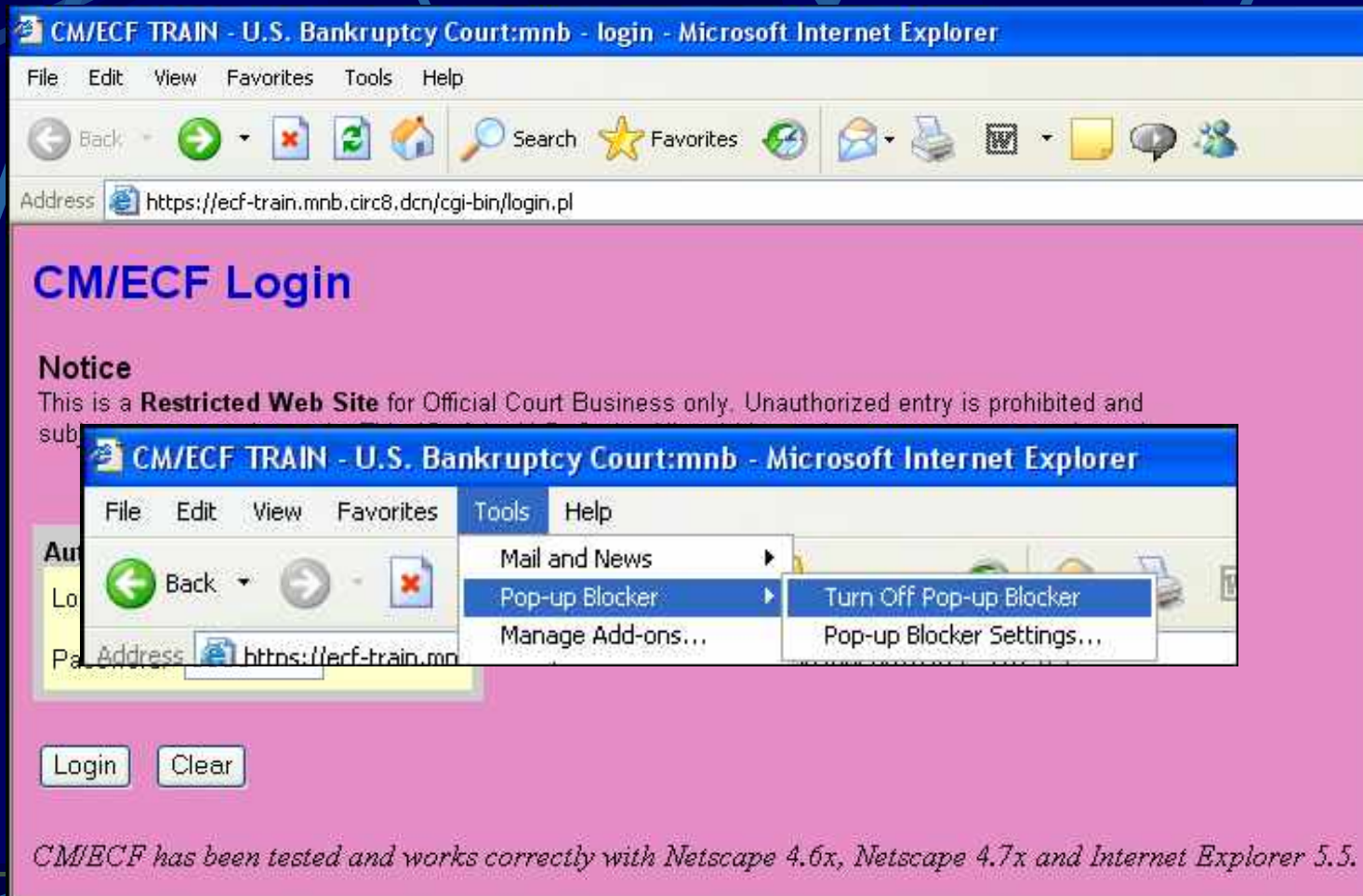
Field Label	Example
Enter the name of the case file	c:Debtor.txt
Enter the name of the petition file	c:Petition.pdf
Enter the name of the matrix file	c:Creditor.txt
Enter the name of the Chap13 Plan file	c:Plan.pdf

Come Together

CM features -- file a motion

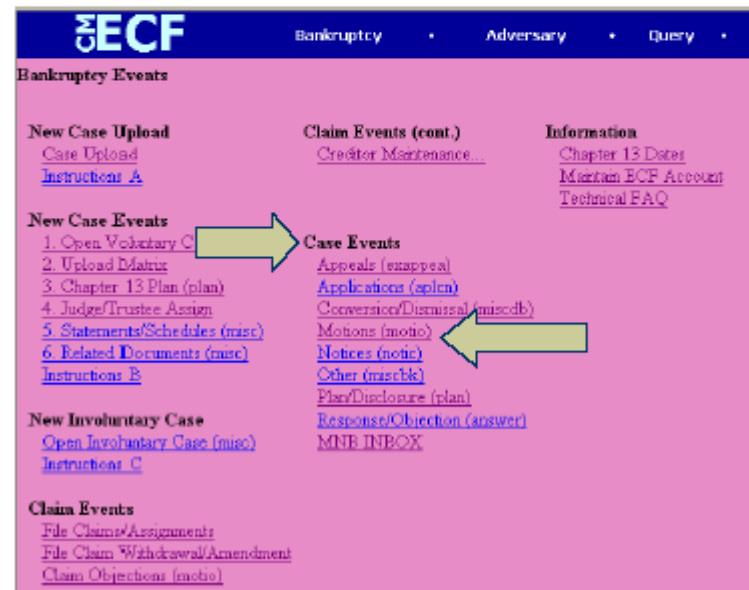
- Combine all the documents into one PDF file
- Only exhibits or the client's verification should be scanned -- other documents should be text-based PDF files

You Know What To Do Log into CM/ECF



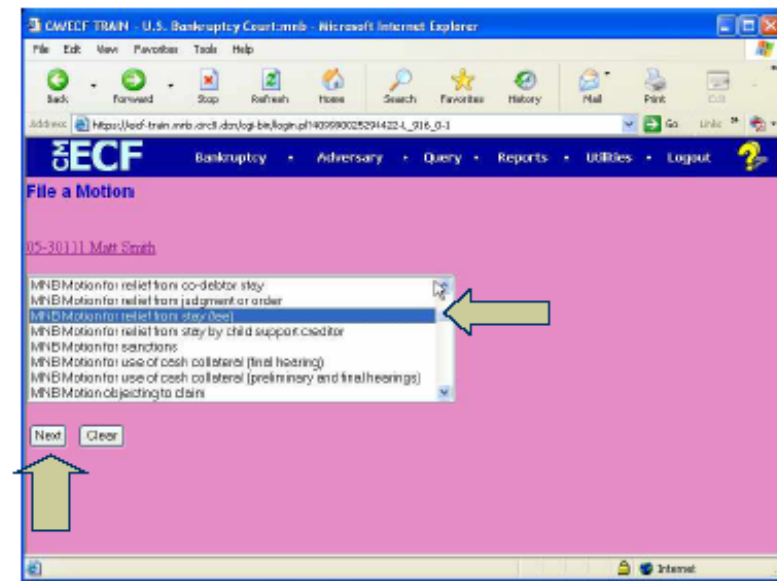
Motion Menu

- ◆ After logging in, click **Bankruptcy** for the main menu.
- ◆ Under the **Case Events** heading, click Motions.



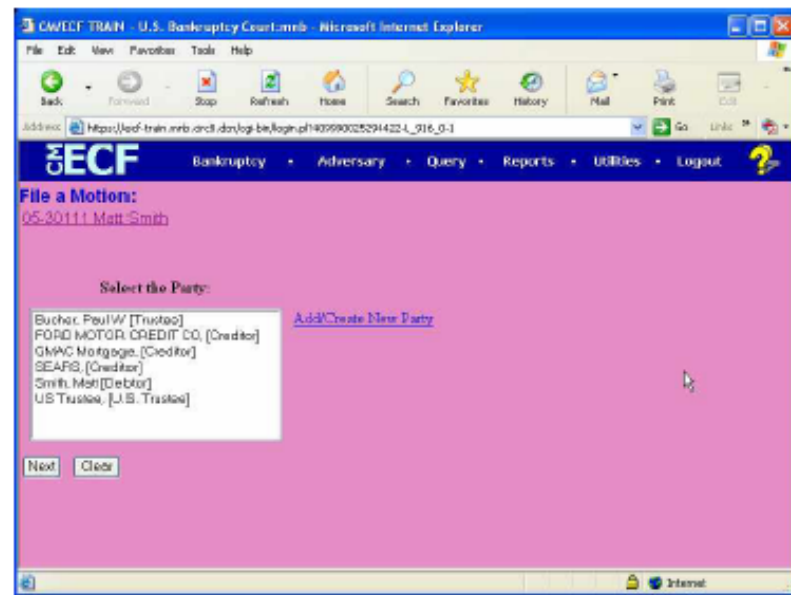
Select the Motion

- ◆ A list of all available motions appears. Scroll to find the **Motion for relief from stay (fee)**.
- ◆ Click **Next**.



Add the Party

- ◆ Unless the party filing the motion has already filed other documents in this case, you will need to add that party.
- ◆ Click Add/Create New Party.



Specify Party Role

- ◆ If you must add a new creditor, fill in the blanks with the required information.
- ◆ For all parties, specify the **Role** – in this case, **Creditor**.
- ◆ Click **Submit**.

The screenshot shows the ECF (Electronic Case Filing) system interface. The main form is titled 'Party Information' and is for 'WELLS FARGO (RUNCE)'. The form fields include:

- Office: ST PAUL
- Address 1: [blank]
- Address 2: [blank]
- Address 3: [blank]
- City: ST PAUL
- State: [blank]
- Country: 3 Ramsey
- Phone: [blank]
- Fax: [blank]
- E-mail: [blank]
- ProSe: no
- Party text: [blank]

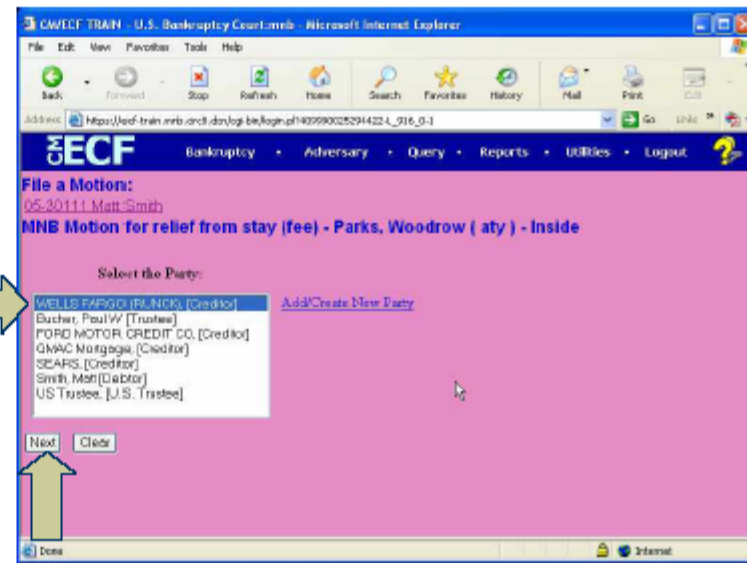
The 'Role' dropdown menu is open, showing a list of roles. 'Creditor' is selected, and a green arrow points to it. The 'Submit' button is highlighted with a green arrow.

Role list (from top to bottom):

- 1st Party Defendant (1st party)
- Accountant (acct prf)
- Agent (agt prf)
- All (all)
- Alleged Debtor (allegd party)
- Appraiser (appr prf)
- Attorney (att prf)
- Auctioneer (auc prf)
- Auditor (aud prf)
- Broker (brk prf)
- Consultant (consult prf)
- Counter-Claimant (cc party)
- Counter-Defendant (cd party)
- Creditor (cred)
- Creditor Committee (ccrm party)
- Creditor Committee Chair (ccrmch party)
- Cross-Defendant (cd party)
- Cross-Claimant (cc party)
- Debtor (deb party)
- Debtor in Possession (dipos party)
- Debtor/Attorney (debatt party)
- Defendant (def party)
- ERS Defendant (defers party)
- ERS Plaintiff (plains party)
- Employer (emp party)
- Examiner (ex prf)
- Financial Advisor (fa prf)
- in RE (in re)
- Interested Party (inp party)
- Interpleader (ip party)

Select the New Party

- ◆ The party search screen displays again, this time with the new party highlighted.
- ◆ Click **Next**.



Motion for Relief From Stay

- ◆ The Motion for relief from stay screen displays. Check all applicable boxes — doing so creates the docket text.

The screenshot shows a web browser window titled "COWLEY TRAIN U.S. Bankruptcy Court.mdb - Microsoft Internet Explorer". The address bar shows a URL starting with "http://efcf-train.mdb.orcl.dnvslog.banklog...". The page has a blue header with the ECF logo and navigation links: Bankruptcy, Adversary, Query, Reports, Utilities, and Logout. The main content area is pink and titled "File a Motion:". Below the title, it says "05/30/11 Matt Smith" and "MNB Motion for relief from stay (fee) - Parks, Woodrow (aty) - Inside". A white box contains a list of items required by Local Rule 9013-2(a):

- 1. Motion
- 2. ☒ If facts are at issue, an affidavit or verification
- 3. ☒ Memorandum of law
- 4. ☒ Proof of service
- 5. ☒ Proposed order

Below the list, it says "For Reference: Fed. R. Bankr. Proc. 4001(a) [Federal rule page](#)". At the bottom of the form are "Next" and "Clear" buttons.

Select the PDF File

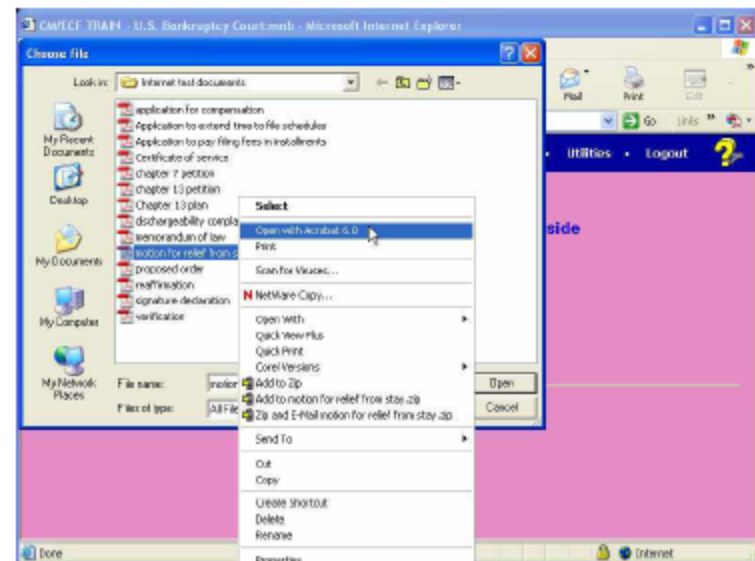
- ◆ Click **Browse** to search for the PDF file.
- ◆ Attachments are generally not necessary for this motion.



The screenshot shows the ECF (Electronic Case Filing) system interface. At the top, the ECF logo is visible, along with the text "Bankruptcy" and "Adversary". Below this, the heading "File a Motion:" is displayed. Underneath, the text "05-30111 Matt Smith" is shown, followed by the motion title "MNB Motion for relief from stay (fee) - Park". A instruction reads: "Select the pdf document (for example: C:\199cv501-21.pdf).". Below this, the label "Filename" is present, followed by a text input field and a "Browse..." button. A yellow arrow points to the "Browse..." button. Below the input field, the text "Attachments to Document:" is shown, followed by two radio buttons: "No" (which is selected) and "Yes". At the bottom of the form, there are two buttons: "Next" and "Clear".

Verify the PDF File

- ◆ *Always* verify PDF files:
 - Use the right mouse button.
 - Select **Open**.
 - Close the viewer.
- ◆ Click **Next** after you have checked the motion.



Credit Card Payment

- ◆ Since this motion requires a fee, the credit card payment screen appears.
- ◆ *Leave the receipt number box blank, and click **Next**.*

CFEED TRAIN - U.S. Bankruptcy Court.mnb - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Search Favorites History Mail Print Ctrl

Address: http://mnb01.ecf-train.mnb.us/and/or/login.do?loginid=4025900252944324_016_0-1 Go Links

ECF Bankruptcy Adversary Query Reports Utilities Logout

File a Motion:
05-30111-Matt-Smith
MNB Motion for relief from stay (fee) - Parks, Woodrow (aty) - Inside

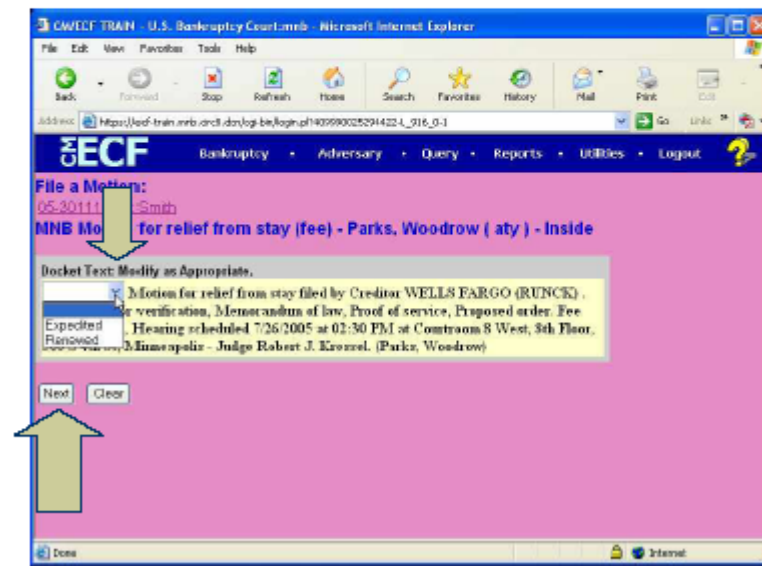
If paying by credit card, leave the Receipt # field blank.
If not paying by credit card enter the letter O in the receipt field.

Receipt #: Fee

Next Clear

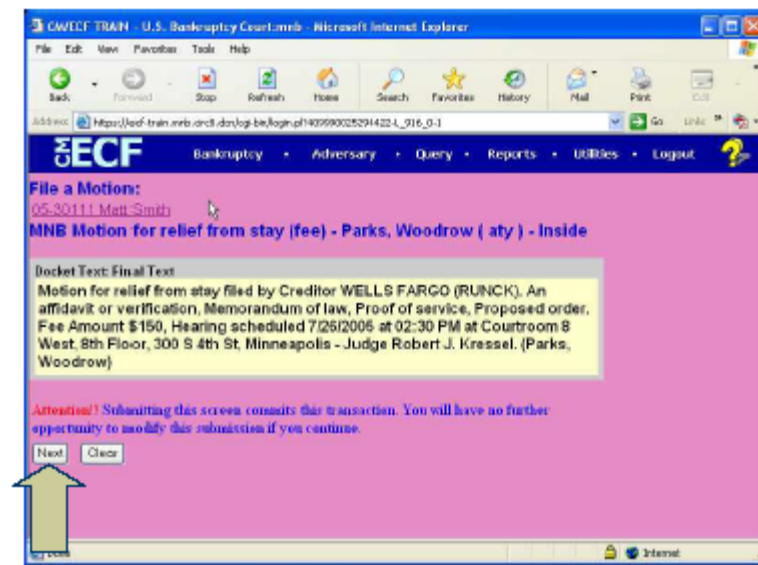
Modify Docket Text

- ◆ A screen appears giving you the opportunity to add **Expedited** or **Renewed** to the docket text. Select one of those terms, if needed.
- ◆ Click **Next**.



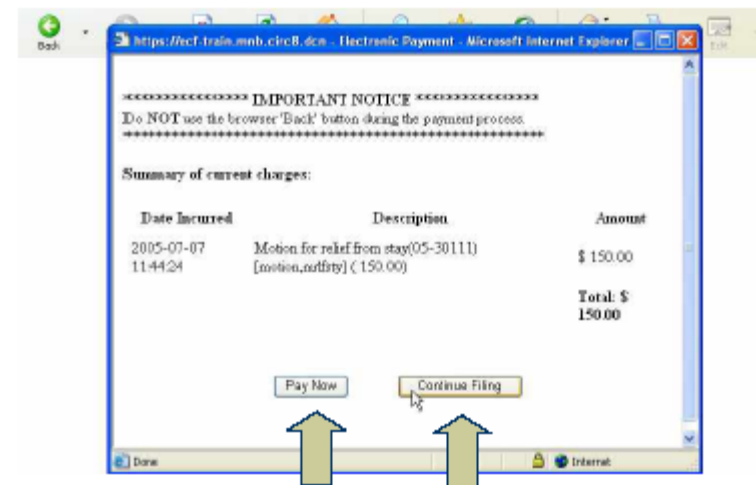
“Take It or Leave It”

- ◆ So far, your filing has not been submitted.
- ◆ Confirm that the docket text is complete and accurate.
- ◆ Click back or start over if there are errors.
- ◆ Click **Next** to finalize.



Credit Card Payment

- ◆ After the documents have been submitted, the credit card module prompts for payment.
- ◆ Follow the screen prompts to either pay now or file other documents and pay within 48 hours.

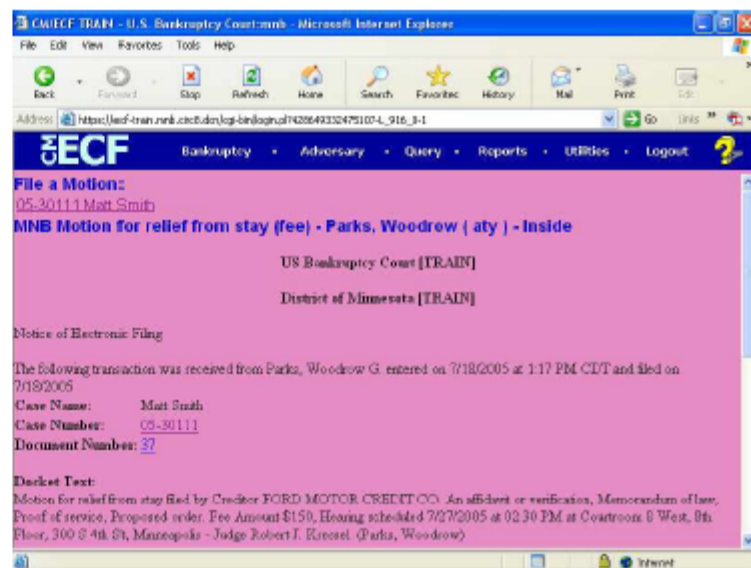


Credit Card

- Use Internet Explorer 5.5 or higher. This is the only browser supported by the most recent version of the Dept. of Treasury payment system
- Remember to turn off pop-up blockers
- Locked out after 48 hours without fees

Notice of Electronic Filing

- ◆ The NEF displays once the documents have been accepted.
- ◆ The notice displays:
 - Case number.
 - Complete docket entry.
 - Service information.



*Mailman,
Bring Me No More Blues*
Electronic Notices

- CM/ECF sends an e-mail to all parties to a case who are registered users of CM/ECF
- E-mail notification is sent following all docketing activity in a case
- This e-mail constitutes service under a proposed local rule addressing electronic service

A Little Help From My Friends

E-mail Notices

- Notices expire in 14 days!
- Recipients of the notice get “one free look” at the PDF document
- Use the free look to download the image to your hard drive or print the document, if needed
- After the free look, pay \$0.08/page to view, download, or print documents

Don't be the *Fool on the Hill*

- Be careful to review your documents before submission
- Remember, mistakes have your name on them and are e-mailed to all parties in the case!
- It will be more difficult to fix mistakes by replacing images

Coping with E-mail

- Managing e-mail is an important part of electronic filing
- *Managing e-mail* document on home page at CM/ECF button
- Multiple e-mail addresses



CM Orders / Summons

- Nearly all orders served by the court will be sent through the Bankruptcy Noticing Center (BNC)
- Summons will no longer be automatically generated in adversary proceeding
- Case Administrator will issue the summons and parties will receive an e-mail when it is docketed
- Summons will be available on the docket

Help

Queries, Reports & Utilities

- Use query function to access information about a particular case
- Use reports feature for cases, claims register, docket, and creditor matrix
- Use utilities to check your payments due, payment history, maintain your ECF account, view your transaction log and your PACER account
- Pacer log-in required

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005:

Effective October 17

Deadlines for filing under existing law

- Deadline to file in paper, on diskette or CD-ROM: **FRIDAY, OCTOBER 14 AT 5:00 PM**
- Deadline to file electronically: **SUNDAY, OCTOBER 16 AT 11:59 PM**

Clerk's Office Weekend Hours

- Minneapolis Clerk's office personnel will be available to assist callers with electronic filing problems on Saturday, October 15 from 8 am to 3 pm and on Sunday, October 16 from 1pm to 6 pm
- An emergency number will be posted on the court's home page for use by attorneys encountering electronic filing problems on Sunday, October 16 between 6 pm and 11:59 pm

Coming soon ... a link on
the court's home page
to the US Trustee's
national website for
access to:

- Lists of approved credit counseling agencies
- Lists of approved financial management courses
- IRS expense figures

Means Test

- Individual debtors only!
- New official form (5+ pages):
 - Form 22A: Statement of current monthly income and means test calculation (chapter 7)
 - Form 22B: Statement of current monthly income (chapter 11)
 - Form 22C: Statement of current monthly income and disposable income calculation (chapter 13)

In re _____
Debtor(s)

Case Number: _____
(If known)

Check the box as directed in Parts I, III, and IV of this statement.

☐ **Presumption arises**

☐ **Presumption does not arise**

STATEMENT OF CURRENT MONTHLY INCOME AND MEANS TEST CALCULATION FOR USE IN CHAPTER 7 ONLY

In addition to Schedule I and J, this statement must be completed by every individual Chapter 7 debtor, whether or not filing jointly, whose debts are primarily consumer debts. Joint debtors may complete one statement only.

Filing the Means Test form

- Part of the .pdf file containing the petition, schedules and statements
- As a separate event under *New Case Events* section of the CM/ECF menu

Bankruptcy Events

New Case Upload

[Case Upload](#)[Instructions A](#)

New Case Events

[1. Open Voluntary Case \(misc\)](#)[2. Upload Matrix](#)[3. Chapter 13 Plan \(plan\)](#)[4. Judge/Trustee Assign](#)[5. Statements/Schedules \(misc\)](#)[6. Related Documents \(misc\)](#)[Instructions B](#)

New Involuntary Case

[Open Involuntary Case \(misc\)](#)[Instructions C](#)

Claim Events

[File Claims/Assignments](#)[File Claim Withdrawal/Amendment](#)[Claim Objections \(motio\)](#)

Claim Events (cont.)

[Creditor Maintenance...](#)

Case Events

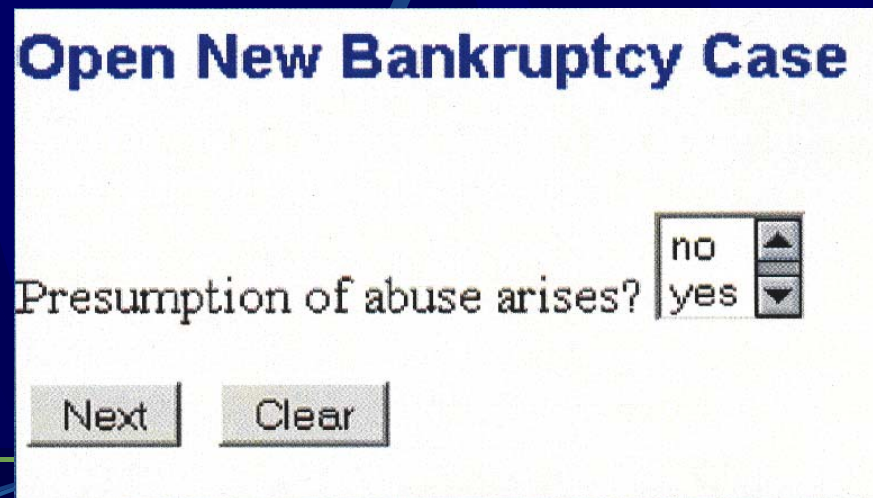
[Appeals \(exappea\)](#)[Applications \(aplcn\)](#)[Conversion/Dismissal \(miscdb\)](#)[Motions \(motio\)](#)[Notices \(notic\)](#)[Other \(miscbk\)](#)[Plan/Disclosure \(plan\)](#)[Response/Objection \(answer\)](#)[MNB INBOX](#)

Information

[Chapter 13 Dates](#)[Maintain ECF Account](#)[Technical FAQ](#)

Presumption of Abuse Interface for Attorneys

- All three methods of case opening will provide a “drop-down” box, prompting the filer to indicate whether the presumption of abuse arises



Open New Bankruptcy Case

Presumption of abuse arises?

Notice of Abuse

- A notice of presumption of abuse will appear on the 341 Notice
 - The presumption of abuse arises
 - The presumption of abuse does not arise
 - Insufficient information has been filed to date to permit the clerk's office to make any determination concerning the presumption of abuse ...

Additional Means Test Filings

- Debtor's income records ("payment advices")
- Expenses re: family violence protection services (private entry)
- Debtor's rebuttal of presumption of abuse
- Declaration of exemption from means test (disabled veterans only)

Credit Counseling

- Eligibility requirement
- Debtor must attend counseling within 180 day period preceding filing
- Individual, group, telephonic or internet counseling acceptable
- Credit counseling must be provided without regard to debtor's ability to pay

Credit Counseling Filings

- Certificate of credit counseling*
- Debtor repayment plan
- Certification of exigent circumstances re: credit counseling
- Motion to extend time for credit counseling: court may grant an additional 15 days
- Motion for exemption from credit counseling

In Forma Pauperis

- **Official Form 3B: Application for waiver of chapter 7 filing fee (3 pages)**
 - Family size and income
 - Monthly expenses
 - Real and personal property
- **Individual chapter 7 debtors only**
- **Filing option: Application to proceed In Forma Pauperis**
- **Governed by Fed. R. Bankr. Proc. 1006(c)**
- **If application granted and case later converted to a chapter 13 case, debtor must pay full chapter 13 filing fee**

In re: _____
Debtor(s)

Case No. _____
(if known)

APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE
FOR INDIVIDUALS WHO CANNOT PAY THE FILING FEE IN FULL OR IN INSTALLMENTS

Part A. Family Size and Income

1. Including yourself, your spouse, and dependents you have listed or will list on Schedule I, how many people are in your family? (Do not include your spouse if you are separated AND are not filing a joint petition). _____

2. Re-state the following information that you provided, or will provide, on Schedule I (Current Income of Individual Debtor(s)), and then total it.

Total Combined Monthly Income (Line 16 Schedule I): \$ _____

Subtotal of Payroll Deductions for Self (Line 3 of Schedule I): \$ _____

Subtotal of Payroll Deductions for Spouse (Line 3 Schedule I): \$ _____

TOTAL Monthly *Gross* Income of Debtor and Spouse (sum of the above): \$ _____

3. State the monthly gross income, if any, of dependents included in Question 1 above. Do not include any income already reported in Item 2. If none, enter \$0.

\$ _____

4. Add the total monthly gross income of debtor and spouse from Question 2 to your dependents' monthly gross income from Question 3.

\$ _____

5. Do you expect the amount in Question 4 to increase or decrease by more than 10% during the next 6 months? Yes ____ No ____

If yes, explain.

Financial Management Courses

- Required post-petition
- Completion of course is prerequisite to chapter 7 and 13 discharge

Financial Management filings

- Official form 23: Debtor's certification of completion of instructional course concerning personal financial management
- Filing option: Financial management course certificate
- Motion for exemption from financial management course

DEBTOR'S CERTIFICATION OF COMPLETION OF INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT

[Complete one of the following statements.]

☐ I/We, _____, the debtor(s) in the above-
(Printed Name(s) of Debtor and Joint Debtor, if any)
styled case hereby certify that on _____ I/we completed an instructional
(Date)
course in personal financial management provided by _____,
(Name of Provider)
an approved personal financial management instruction provider. If the provider furnished a
document attesting to the completion of the personal financial management instructional
course, a copy of that document is attached.

☐ I/We, _____, the debtor(s) in the above-styled

(Printed Names of Debtor and Joint Debtor, if any)

case, hereby certify that no personal financial management course is required, because:

[Check the appropriate box.]

☐ I am/We are incapacitated or disabled, as defined in 11 U.S.C. § 109(h);

☐ I am/We are on active military duty in a military combat zone; or

☐ I/We reside in a district in which the United States trustee (or the bankruptcy administrator, if any) has determined that the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise be required to complete such courses.

Signature of Debtor: _____

Date: _____

Signature of Joint Debtor: _____

Date: _____

Debtor's Tax Returns

- Debtor must provide tax returns to trustee
- If party in interest requests, debtor must provide copies of tax returns to requesting party
- If party in interest requests, debtor must file tax returns with the court
- Debtor's compliance with requests for copies or filing of returns is prerequisite to chapter 7 discharge, chapter 11 and 13 confirmation
- Debtor must file all required returns with tax authorities; prerequisite to chapter 13 confirmation

Tax Return Filings

- Request for access to debtor's tax information
- Debtor's certificate of service of tax information
- Tax documents
 - Summary of tax information
 - Access by court users only
- Certification re: tax documents filed

Repeat Filers

- Individual chapter 7, 11 or 13 debtors
- One previous dismissed case during preceding year: stay in second case terminates 30 days after filing
- Two previous dismissed cases during preceding year: no stay in third case

Repeat Filer Filings

- Motion to extend automatic stay
- Motion to impose automatic stay
- Request for order confirming no stay in effect

Reaffirmation Filings

- New official reaffirmation form in development
 - Reaffirmation disclosure statement
 - Presumption of undue hardship
 - Statement in support of reaffirmation agreement
- Motion for reaffirmation
- Recision of reaffirmation agreement

Preferred Creditor Addresses

- Notice of preferred creditor address
- Notice of override of preferred creditor address

Domestic Support Obligations

- Debtor's payment of domestic support obligations is prerequisite to chapter 11, 12 and 13 confirmation
- Filing option: Certification re: domestic support obligations paid

Small Business Chapter 11 Filings

- Debtor's election of small business designation
- Balance sheet
- Cash flow statement for small business
- Statement of operations for small business
- Chapter 11 small business plan
- Chapter 11 small business disclosure statement

Filing Fee Changes

- Adversary Proceeding filing fee increasing to \$250 on September 20
- All other fee changes effective October 17:
 - Chapter 7 fee increased to \$274
 - Chapter 13 fee reduced to \$189
 - Chapter 11 fee increased to \$1039

Hello, Goodbye Thank You

- Register for CM/ECF
- Get CM/ECF password
- Submit two test filings
- Call 612-664-5273 with questions